1 2 3 4 5 6	Kamala D. Harris Attorney General of California Gregory Salute Supervising Deputy Attorney General Heather Hua Deputy Attorney General State Bar No. 223418 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2574 Facsimile: (213) 897-2804 Attorneys for Complainant
8	BEFORE THE
9	BOARD OF REGISTERED NURSING
	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10	In the Matter of the Accusation Against: Case No. 2012-50
12	RAMON ABENA RUEDA 9208 Willis Ave. A C C U S A T I O N
13	Panorama City, CA 91402-1232
14	Registered Nurse License No. 672460
15	Respondent.
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17	Complainant alleges:
18	PARTIES
19	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20	official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21	Consumer Affairs.
22	2. On or about January 26, 2006, the Board of Registered Nursing (Board) issued
23	Registered Nurse License No. 672460 to Ramon Abena Rueda (Respondent). The Registered
24	Nurse License was in full force and effect at all times relevant to the charges brought herein and
25	will expire on November 30, 2011, unless renewed.
26	<u>JURISDICTION</u>
27	3. This Accusation is brought before the Board under the authority of the following
28	laws. All section references are to the Business and Professions Code unless otherwise indicated.

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STATUTORY PROVISIONS

- 4. Section 490 states, in pertinent part:
- "(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
- "(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.
- "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."
- 5. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
 - 6. Section 2761 states, in pertinent part:
- "The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
 - "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

- "(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."
- 7. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1444 states, states in pertinent part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare."

COST RECOVERY

9. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

10. Respondent is subject to disciplinary action under section 2761, subdivision (f) and 490, in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent has been convicted of a crime substantially related to the qualifications, functions, or duties of a registered nurse. On or about May 12, 2010, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Penal Code section 273A, subdivision (a) [inflicting injury upon child] in the criminal proceeding entitled *The State of California v. Ramon Abena Rueda* (Super. Ct. Los Angeles County, 2010, No. 9BR03564). The Court sentenced Respondent to 1 day in Los Angeles County jail and placed him on 48 months of

probation, with terms and conditions. The circumstances surrounding the conviction are that on or about November 3, 2009, Respondent physically abused his then 16-year-old daughter by punching her in the face several times. And while his daughter was on the ground, Respondent kicked her several times in the stomach for allegedly taking his camera.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

11. Respondent is subject to disciplinary action under section 2761, subdivisions (a) and (d), in that on or about November 3, 2009, Respondent committed acts which constitute unprofessional conduct. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 10, as thought set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License No. 672460, issued to Ramon Abena Rueda.
- 2. Ordering Ramon Abena Rueda to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
 - 3. Taking such other and further action as deemed necessary and proper.

ATED: July 25, 2011

LOUISE R. BAILEY, M.ED., RN

Executive Officer

Board of Registered Nursing Department of Consumer Affairs

State of California

Complainant